IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.311 OF 2006

Somnath Panchugopal Ghosh Petitioner

versus

The State of Maharashtra & anr. Respondents

Shri A.M.Saraogi for petitioner.

Shri Rajiv Mane, AGP for respondent no.1.

Ms.Aruna Savla for respondent no.2.

Shri Anil Singh for intervenors.

CORAM : KSHITIJ R. VYAS, C.J. &
S.C.DHARMADHIKARI, J.

DATE : 2nd March 2006

PC :

1. The petitioner-tenant with a view to earn livelihood in the premises in question conducts activities of Gold Smith, filed this petition challenging Notice issued under section 53(1) of the Maharashtra Regional & Town Planning Act, 1966 ("MRTP Act" for short).

2. The petitioner has already filed a suit before the City Civil Court. Further, in Appeal

from Order proceedings in this Court, as per the averments made in the petition, he is protected by way of statement coming from the builder that they would follow due process of law while dispossessing the petitioner. However, during pendency of the said suit, the learned counsel for petitioner states that, the petitioner wishes to apply under section 53(3) of MRTP Act with a prayer to permit him to conduct the activities of Gold Smith.

3. In view of this, by disposing of the petition, we observe that as and when such an application is made under section 53(3) of the MRTP Act, the same shall be considered and disposed of in accordance with law after hearing the concerned parties including the Land-lord within a period of four weeks from the date of its receipt. Ad-interim order passed by this Court on 7th February 2006 shall continue for a period of four weeks from today.

(CHIEF JUSTICE)

(S.C.DHARMADHIKARI, J.)